

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 26, 2010

DIVISION ONE

B213678 People (Not for Publication)
v.
Castaneda

The judgment is affirmed.

Mallano, P.J.

We concur: Chaney, J.
Johnson, J.

B217992 People (Not for Publication)
v.
Ransome

The judgment is affirmed.

Chaney, J.

We concur: Rothschild, Acting P.J.
Johnson, J.

DIVISION ONE (continued)

B221461 Los Angeles County, D.C.F.S. (Not for Publication)
v.
S.J.

The order is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Rothschild, J.

B217176 Greene (Not for Publication)
v.
Soisuvann, et al.

The order of dismissal is affirmed. Respondents are to recover their costs on appeal.

Chaney, J.

We concur: Rothschild, Acting P.J.
 Johnson, J.

B217252 People (Not for Publication)
v.
A.M.

The judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Rothschild, J.

August 26, 2010 (Continued)

DIVISION ONE (continued)

B217032 People (Not for Publication)
v.
Moreno

The judgment is affirmed.

Chaney, J.

We concur: Rothschild, Acting P.J.
 Johnson, J.

B220773 People v. Boyous (Not for Publication)

Byous' upper-term three-year prison sentence is set aside, and the matter is remanded to the superior court for resentencing based on legally permissible factors. In all other respects the judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

B216366 People (Not for Publication)
v.
Zamagni

Count 3 is reversed and may not be retried. The judgment is otherwise affirmed.

Mallano, P.J.

We concur: Rothschild, J.
 Johnson, J.

DIVISION TWO

B218787 People (Not for Publication)
v.
Araniva, et al.

The judgments are affirmed.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

[illegible]

The judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

B214008 Agbara (Not for Publication)
v.
Bad Boys Bail Bonds Inc.

The judgment is affirmed, as is the order denying defendant's request for attorney fees. Defendant is awarded its costs on appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

August 26, 2010 (Continued)

DIVISION TWO (continued)

B219187 Mariscal (Not for Publication)
v.
Employee Relations Board of the City of Los Angeles

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B219028 Greene (Not for Publication)
v.
Volunteers of America Los Angeles

The order is affirmed. Each side to bear their own costs of appeal.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B221523 Michelle B. (Not for Publication)
v.
Aida M.

The order is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B221852 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Raul S.

The order regarding visitation is reversed, and the matter is remanded to the juvenile court with directions to specify the frequency and duration of father's visits.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B218986 People v. Dominguez (Not for Publication)

The judgment is modified to award additional presentence credit of 38 days. The judgment is affirmed as modified. The trial court is directed to prepare an amended abstract of judgment reflecting an additional 38 days of conduct credit for a total presentence credit of 152 days and to forward a copy of the amended abstract to the Department of Corrections and Rehabilitation.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B216135 USA Tire Marketing, Inc. (Not for Publication)
v.
American Seashores International, Inc.

The order denying the motion to vacate the default judgment is affirmed. Plaintiff shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B220526 Los Angeles County Department of Children and Family Services
v.
D.B.

Filed order granting petition for rehearing. Cause resubmitted.

DIVISION FOUR

B217834 Fuerte (Not for Publication)
v.
AIG Federal Savings Bank

The order denying Fuerte's motion to vacate the summary judgment and the order granting AIG's motion and amending the stipulated order are affirmed. The parties shall bear their own costs on appeal.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FOUR (continued)

B215824 Lisenbee, et al. (Not for Publication)
 v.
 Feiner, et al.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

B216417 Burnett, et al. (Not for Publication)
 v.
 Zimmerman, et al.

The order is affirmed. The Burnetts are awarded their costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
 Willhite, J.

B217818 Tanen (Certified for Publication)
 v.
 Southwest Airlines Co.

The judgment of dismissal is affirmed. Southwest shall recover its costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
 Willhite, J.

DIVISION FIVE

B219231 Tutor-Saliba-Perini, J.V. (Not for Publication)
v.
Allianz Global Risks US Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Kumar, J. (Assigned)

B218163 Constance Adler-Galloway (Not for Publication)
v.
CBS Broadcasting, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.
Mosk, J.

B210624 David Cutler (Not for Publication)
v.
Anthony Dike

The judgment against Anthony C. Dike, M.D., is reversed. Costs on appeal are awarded to Anthony C. Dike, M.D. In all other respects, the judgment is affirmed. Costs on appeal are awarded to David Cutler against Meridian Holdings, Inc. and InterCare DX, Inc.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION FIVE (continued)

B216727 People (Not for Publication)
v.
Stephen Thomas Scott

The domestic violence fine imposed pursuant to Penal Code section 1203.097 is ordered stricken. In all other respects, the judgment is affirmed. The trial court shall forward as corrected abstract of judgment to the Department of Corrections and Rehabilitation.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B222966 People (Not for Publication)
v.
Danny Camarena

The appeal is dismissed.

Turner, P.J.

We concur: Kriegler, J.
Kumar, J. (Assigned)

B223802 People (Not for Publication)
v.
Cesar Lemus

The appeal is dismissed.

Turner, P.J.

We concur: Kriegler, J.
Kumar, J. (Assigned)

DIVISION FIVE (continued)

B217390 People (Not for Publication)

v.

Cuaauhtemoc Henry Ortiz

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
Mosk, J.

DIVISION SIX

B212544 People (Not for Publication)

v.

Bae Hyuk Shin

We modify the judgment to strike the \$200 restitution fine and the suspended \$200 parole revocation restitution fine, but otherwise affirm. The trial court shall amend the abstract of judgment accordingly and forward it to the Department of Corrections and Rehabilitation.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B221280 People (Not for Publication)

v.

Clarke

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

August 26, 2010 (Continued)

DIVISION SIX (continued)

B219802 People (Not for Publication)
v.
Chavez

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B215889 People
v.
Calderon

Filed order denying petition for rehearing.

DIVISION SEVEN

B212893 Morry Brookler (Not for Publication)
v.
Radioshack Corporation

The order is reversed. Brookler is entitled to his costs on appeal.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION EIGHT

Court convened at 9:00 A.M.

Present: Bigelow, P.J., Flier, J., Grimes, J., O'Connell, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (continued)

Each of the following:

B222173 DCFS v. D.M.
B219452 People v. E.L.
B220368 DCFS v. D.M.
B220964 McVeigh v. Burger King Corporation
B220459 People v. Gonzalez
B224646 T.W. et al. v. SCLA (DCFS)
B217360 People v. Sosa
B213786 People v. Pacheco Sr. & Jr.

Argument waived, cause submitted.

B225827 The People
 v.
 Superior Court, Los Angeles County
 (Richard Tell)

Merits:

Argued by Mark Harvis, Deputy Public Defender for real party in interest
and appearance only by Natasha Cooper, Deputy District Attorney for
petitioner. Cause submitted.

B224918 L.T.
 v.
 Superior Court, Los Angeles County
 (DCFS)

Appearances:

William D. Thetford, Deputy County Counsel appeared for real party in
interest and argument previously waived by counsel for petitioner.
Argument waived, cause submitted.

DIVISION EIGHT (continued)

B219941 Jessica Hini Szlos
 v.
 Thomas D. Carter

Merits:
Argued by Howard C. Posner for appellant and by Michael C. Doland for respondent. Cause submitted.

B221470 Mariana Malkoskie, et al.
 v.
 Option Mortgage Corporation, et al.

Merits:
Argued by Andrew E. Smyth for appellants and by Bruce T. Bauer for respondents. Cause submitted.

Flier, J. left the bench.

B218179 Joseph O'Brien
 v.
 Rolling Hills Plastics, Inc.,

Merits:
Argued by Joel F. Tamraz for appellant and by Scott E. Schutzman for respondent. Cause submitted.

B216434 Arabi
 v.
 Bahaa & Lillian Elmasary

Merits:
Argued by Ali Abou Arabi, appellant appearing in propria persona and appearance only by Michael Goch for respondents. Cause submitted.

Court recessed.

DIVISION EIGHT (continued)

Court reconvened at 12:58 P.M.

Present: Bigelow, P.J., Flier, J., Grimes, J., O'Connell, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B219539 Ron Starr
 v.
 Martha Starr

Appearances:

Gary W. Kearney for appellant and by Daniel G. McMeekin for respondent.
Argument waived, cause submitted.

Grimes, J. left the bench.

B217464 Michael Fowler, et al.
 v.
 Caremark RX, LLC, et al.

Merits:

Argued by Tami S. Smason for appellants and by Michael Leonard for respondents. Cause submitted.

Grimes, J. returned to the bench.

Flier, J. left the bench.

B207008 Schools Excess Liability Fund
 v.
 Westchester Fire Ins. Exchange Company

Merits:

Argued by Gary L. Green for appellant and respondent and by Robert S. Robinson for respondent and cross-appellant. Cause submitted.

August 26, 2010 (Continued)

DIVISION EIGHT (continued)

B216857 People
 v.
 Green

Oral argument continued to December 28, 2010 at 1:00 p.m.

B208957 Peter H.
 v.
 Laurie H.

Oral argument continued to September 28, 2010, at 9:00 a.m.

Court adjourned.